



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MICHAEL J. SULLIVAN

DIRECTOR

December 30, 1994
AO-94-44

Mayor Michael E. Capuano
172 Central Street
Somerville, MA 02145

Re: Reimbursement to Candidate for Tickets Contributed to
Committee

Dear Mr. Capuano:

This letter is in response to your November 10, 1994 letter requesting an advisory opinion regarding reimbursement for Celtics basketball tickets contributed by you personally to your committee under various circumstances.

You have stated that you recently purchased two season tickets (each valued at \$29.00 per game) for the Boston Celtics. You purchased these tickets with your personal funds and, I assume, primarily for your own personal use.

You have asked four questions which I have paraphrased and will address separately.

(1) On occasion, you are asked to donate items to be raffled off for one charity or another. If you donate Celtics basketball tickets for such purposes, can your political committee reimburse you for the cost of such tickets?

Yes. Section 6 of M.G.L. c. 55, the campaign finance law, permits a political committee to make expenditures for the "enhancement of the political future of the candidate . . . so long as such expenditure is not primarily for the candidate's or any other person's personal use . . ." The office has issued regulations which specifically authorize a political committee such as yours to make charitable contributions under certain circumstances.

Specifically, 970 CMR 2.06 (3)(a) authorizes a political committee such as yours to make expenditures to a charitable organizations if (a) the contribution is made to certain religious and charitable entities, (b) the candidate, treasurer or other official of the committee is not a trustee, officer, principal or beneficiary of the organization, (c) the

candidate, treasurer or other official is not related to such a person or involved in any manner in the operations of the charitable organization, (d) such a contribution is a usual and customary practice of the committee, and (e) the candidate or committee will receive publicity and foster political goodwill.

Therefore, an expenditure by your committee, e.g. reimbursement to you for Celtics tickets given to your committee for donation to a charitable organization would be a permissible committee expenditure provided the donation meets the requirements of 970 CMR 2.06(3)(a).

(2) If you give tickets to a Celtics game to a campaign worker for his or her personal use, can your political committee reimburse you for the cost of such tickets?

As with the answer to your first question, the campaign finance regulations authorizes gifts to campaign workers and others subject to certain limitations. Specifically, 970 CMR 2.06 (3)(b)1. permits expenditures for gifts to campaign workers by a political committee if the gift (a) accurately reflects the contribution made by the worker to the efforts of the political campaign of the committee and (b) is made in a timely fashion to clearly indicate the gift's purpose is to express gratitude for work done on behalf of the campaign. Therefore, if you donate Celtic tickets to your committee to give to a campaign worker, or give it directly to the worker on behalf of your committee, in compliance with all the provisions of the above regulations, your committee may reimburse you for the cost of the Celtic tickets.¹

(3) If you accompany a campaign worker to a game, can your political committee reimburse you for the cost of both tickets?

For the reasons outlined in question (2), your committee may reimburse you for the cost of the Celtic ticket for the volunteer in accordance with 970 CMR 2.06(3)(b). However, whether your committee may reimburse you for the cost of your own ticket depends on a number of factors relative to the purpose for your purchase of the season tickets.

If you purchased the season tickets to the Celtics basketball games primarily for your own personal use or you would be attending the particular game regardless of who accompanied you, your committee could not pay for the

¹ The campaign finance regulations also authorize a political committee to make expenditures for gifts to persons other than campaign workers if the candidate will receive publicity or foster goodwill and if (a) the candidate or treasurer has no personal relationship with the individual or his family, (b) the gift is appropriate to the occasion, (c) making such a gift is the committee's usual and customary practice, and (d) the gift would not be made but for the interest in enhancing the political future of the candidate. See 970 CMR 2.06(3)(b)2. Whether a gift is made pursuant to (3)(b)1. or (3)(b)2., the gift must meet all of the provisions of the relevant subdivision.

additional ticket since your purpose and subsequent attendance at the game would be primarily personal. Similarly, if you were to accompany a campaign worker or other person primarily for social or personal reasons, then your committee would not be able to reimburse you for the cost of your ticket.

However, if your initial purpose in purchasing the Celtic tickets was, in part, to donate a certain number of tickets to your political committee for charitable contributions and/or gifts to campaign workers or you are attending a particular game with a campaign worker in order to enhance your political future, e.g. to encourage the worker to continue to work for your committee in the future or to help in some other way with your campaign, then your political committee may reimburse you for the cost of your Celtic ticket.²

In conclusion, whether your political committee may reimburse you for a particular Celtics' ticket for your attendance at a game will be determined, in the first instance, by your committee's appraisal of the purpose for your attendance at the game. If your committee determines that the purpose of the expenditure is not primarily personal but to enhance your political future in a manner consistent with the relevant campaign finance law and regulations, the committee may reimburse you for the cost of such a ticket.

(4) If the answer to question (3) is no, can your political committee reimburse you for the cost for one ticket from my campaign account?

Yes. As discussed above, your committee may reimburse you for the cost of a ticket given to campaign workers provided the expenditure complies with the relevant campaign finance law and regulation.

Finally, you should be aware that if your committee reimburses you for any Celtics tickets donated to a charitable organization or in connection with a gift to a campaign worker, you and your committee should report, accurately and completely, the purpose of the reimbursement. This can be done by identifying the purpose of the reimbursement on Schedule B of your committee's campaign finance report, Form CPF M-102ND, as shown on Exhibit "A" or by identifying the purpose of the reimbursement on Form CPF 203A (Itemization of Reimbursements) and attaching this form to your Schedule "B" as shown on Exhibit "B."

This opinion has been rendered solely on the basis of representations made in your letter and any assumptions set

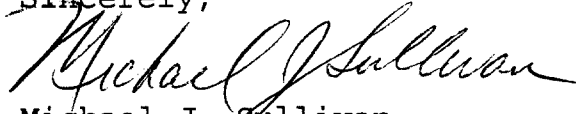
² In general, this office would not consider a candidate's appearance at a sporting event in order "to be seen" by the public as sufficient reason to justify reimbursement by the candidate's political committee, particularly if the candidate has purchased season tickets. Such an expenditure would be primarily for the candidate's personal use.

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forth herein and solely in the context of M.G.L. c.55. This opinion is intended to provide general guidance on the questions which you have asked. The opinion does not approve or disapprove any specific committee expenditure.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,


Michael J. Sullivan
Director

MJS/cp
Enclosures

SCHEDULE B: EXPENDITURES

M.G.L. c. 55 requires committees to list, in alphabetical order, all expenditures over \$50 in a reporting period. Committees must keep detailed accounts and records of all expenditures, but need only report those over \$50. Expenditures \$50 and under may be added together, from committee records, and reported on line 13.

This page may be copied if additional pages are required to report all expenditures. Please include your committee name, CPF ID# and a page number on each page.

Date Paid	To Whom Paid (alphabetical listing)	Address	Purpose of Expenditure (Include CPF ID # if a contribution to another committee)	Amount	
02/05/95	Michael Capuano	172 Central Street Somerville, MA	Reimbursement See Next Line	58	-
12/09/94	Boston Celtics	Causeway Street Boston, MA	Tickets for Campaign Workers	58	- 1
	* DO NOT DOUBLE COUNT				
Line 12:			Expenditures over \$50	\$ 58	-
Line 13:			Expenditures \$50 and under	\$ -	
Line 14:			TOTAL EXPENDITURES	\$ 58	-

Enter on page 1, line 4

* If you have itemized expenditures of \$50 and under, include them in line 12. Line 13 should include only those expenditures not itemized above.

- EXHIBIT B
- Page 1 of 2

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* If you have itemized expenditures of \$50 and under, include them in line 12. Line 13 should include only those expenditures not itemized above.

